

TOWN OF LINCOLN
ZONING BOARD OF ADJUSTMENT

MINORITY OPINION

APPLICANT: BICKNELL TRUST

LANDOWNER: NORMAN BICKNELL, TRUSTEE

**APPEAL OF SARAH LAIRD, ET AL. RE: APPROVAL OF BICKNELL TRUST
APPLICATION (NO. 21-011) FOR CONSTRUCTION OF A SEASONAL CAMP**

Information from the evidentiary hearings is contained in the Majority Decision.

In the matter of whether the appeal was made within the 15 days allowed we find the following:

Zoning Permit (21-011) was issued to the Applicant on June 1, 2021 for a 1386 sq. ft. primitive cabin with porch and mailed on June 2, 2021.

The Zoning Permit was displayed at the site within a few days, and still is posted there, in compliance with specific written instructions provided by the ZA.

The Zoning Permit was also displayed in the Town Office for at least 6 months. It is acknowledged that, due to Covid restrictions, access to the Town Office was limited during this time.

Of the appellants only one claims to have not been aware of the building until March 2022.

The Notice of Appeal (22-028) was issued April 10, 2022.

The Notice of Appeal was filed 313 days after the Zoning Permit was issued.

Appellant Dan Guy contacted the ZA in June 2021 regarding the building on the Property and visited the site.

Cabin kit materials were ordered a couple months after the Zoning Permit was issued, and delivered November 1, 2021 to a field on Elder Hill Rd. It remained there, in part, for 3 days to be moved to the building site.

Other interested parties noticed the building materials in the field when delivered.

It appears to have been common knowledge that the building was taking place from the time the floor deck construction began.

Conclusion

The minority opinion is that the appeal was not timely.

The minority find that affirming the appeal 298 days after the appeal period is over is unduly detrimental to the Applicant and should be rejected, upholding the Zoning Permit.

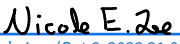
If upheld there would be a strong argument to be made that any permit is appealable until the Certificate of Occupancy is issued as long as a single person can be found that was not aware of the permit.

Dated at Lincoln, Vermont this 6th day of October, 2022.

ZBA MEMBERS:

Tommie Thompson, Chair

Serena Fox

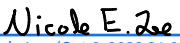

[Nicole Lee \(Oct 6, 2022 21:01 EDT\)](#)

Nicole Lee on behalf of Barry Olson

James Warnock

Patricia Waugh

Josiah Jackson


[Nicole Lee \(Oct 6, 2022 21:01 EDT\)](#)

Nicole E. Lee


[Harrison Reynolds \(Oct 7, 2022 07:40 EDT\)](#)

Harry Reynolds

Stephen Halnon